THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

TIPPMANN CONSTRUCTION, INC.,	§	
by and through assignee and subrogee	§	
SELECTIVE INSURANCE	§	
COMPANY OF SOUTH CAROLINA	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO.
vs.	§	4:11-CV-591-Y
	§	
PROFESSIONAL SERVICE	§	
INDUSTRIES, INC.	§	
	§	
Defendant.	§	

PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT PROFESSIONAL SERVICE INDUSTRIES, INC'S SECOND AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT

Tippmann Construction, Inc. by and through its assignee and subrogee Selective Insurance Company of South Carolina ("Plaintiff") submits this Response to Professional Service Industries, Inc.'s ("PSI") Second Amended Motion for Partial Summary Judgment pursuant to FED. R. CIV. P. 56 and Northern District Local Rule 56.4

As discussed in detail in Plaintiff's Brief in Support of this Response, PSI's Second Amended Motion for Partial Summary Judgment is without merit and should be denied. Pursuant to Local Rule 56.4, the legal and factual grounds for denying PSI's Second Amended Motion for Partial Summary Judgment are set forth in the Brief in Support of this Response, filed contemporaneously.

PRAYER

Tippmann Construction, Inc. by and through its assignee and subrogee Selective Insurance Company of South Carolina, respectfully requests that this Court deny PSI's Second Amended Motion for Summary Judgment and grant Tippmann all other relief to which it may be legally or equitably entitled.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF TIPPMANN CONSTRUCTION COMPANY by and through its assignee and subrogee SELECTIVE INSURANCE COMPANY OF SOUTH CAROLINA

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2012, I electronically filed the foregoing document with the Clerk of the court for the Northern District of Texas, Ft. Worth Division, by using the CM/ECF system which will send notification of such filing to all CM/ECF participants and counsel of record.

s/ Dale E. Butler
One of Counsel

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